BUREAU OF ENVIRONMENT
CONFERENCE REPORT

SUBJECT: NHDOT Monthly Natural Resource Agency Coordination Meeting
DATE OF CONFERENCE: June 20, 2018
LOCATION OF CONFERENCE: John O. Morton Building
ATTENDED BY:

NHDOT
Matt Urban
Sarah Large
Mark Hemmerlein
Samuel Lanternier
Griffin Parodi
Marc Laurin
Keith Cota
John Butler
Wendy Johnson
Bob Landry
Maggie Baldwin

ACOE
Mike Hicks

Federal Highway Administration
Jamie Sikora

NHDES
Gino Infascelli
Lori Sommer
Tim White
Andrew Madison

NHF&G
Carol Henderson

Consultants/Public Participants
Janusz Czyzowski
Vicki Chase
Chris Bean
Vanessa Swasey
Noah Elwood
Christine Perron

(When viewing these minutes online, click on an attendee to send an e-mail)

PRESENTATIONS/ PROJECTS REVIEWED THIS MONTH: *(minutes on subsequent pages)*

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(When viewing these minutes online, click on a project to zoom to the minutes for that project)

NOTES ON CONFERENCE:

May 16, 2018 Natural Resource Agency Meeting Minutes.

Campton, #42097

Doug Locker provided an overview of the project including the location, the existing structure, the drainage basin, and the proposed work. The steel girder bridge located in Campton carrying US 3 over Bog Brook (108/058) was stated to have scour issues along the north abutment and the southeast wing. The purpose of the project is to rehabilitate the steel girder bridge by placing a concrete toe wall along the northern abutment as well as placing riprap along the northern abutment and the southeast wingwall area.

Mike Hicks asked if the project was federally funded. D. Locker responded no.

M. Hicks also mentioned that Bog Brook was essential fish habitat, and Gino Infascelli said that this was a coldwater fishery.

G. Infascelli asked that the designated river box and essential fish habitat box on the Natural Resouce Agency Meeting Request Form is checked.

Matt Urban said there would be coordination for the essential fish habitat.

M. Hicks said there would likely be a time of year restriction for the project, and he mentioned there would need to be coordination with the NH Division of Historical Resources. M. Urban agreed on the coordination.

Carol Henderson asked what type of water diversion would be used. D. Locker stated that sandbag cofferdams would be used in this project.

Lori Sommer said she had no concerns for mitigation.

This project has not been previously discussed at a Monthly Natural Resource Agency Coordination Meeting.

Derry-Londonderry, #13065 (IM-0931(201))

Chris Bean introduced the project. Since the previous Natural Resource Agency meeting on April 20, 2018, a Public Information Meeting was held on May 26, 2018 and another one is scheduled for July 25, 2018. The purpose of today's meeting is to discuss wetland impacts and proposed mitigation.

Chris Bean reviewed the purpose and need of the project. The purpose of the project is to "reduce congestion and improve safety along NH 102 from I-93 easterly through downtown Derry and promote economic vitality in the Derry/Londonderry area."

Vicki Chase reviewed previous mitigation "packages" that had been discussed for previous iterations of the project. Currently proposed mitigation consists primarily of an ARM fund payment using the NHDES ARM fund calculators and the USACE New England District Mitigation Guidance. Current wetland impacts are calculated at

- 2.30 acres of non VP wetland impact plus edge effects
- 1.12 acres of vernal pool impact (7 vernal pools)
- 1,061 net linear feet of stream impact

Slides depicting wetland and vernal pools were reviewed.

Wetland impacts were reviewed. Most of the impacts are in Londonderry, and there are more impacts to forested wetlands than any other type.

Wetland Impact Acres			
Wetland Type	Derry	Londonderry	Total
PFO	0.07	2.07	2.14
PSS	0.02		0.02
PSS/PEM	0.03		0.03
PEM	0.10	0.02	0.12
Vernal Pools	*0.01*	*1.11*	*1.12*
Total	0.23	3.19	3.42

Vernal pool impacts were reviewed including impacts to the 100' "Critical Terrestrial Envelope." A total of 1.12 acres of direct vernal pool mitigation is proposed. The 2016 USACE New England District Guidance recommends that the amount of mitigation for vernal pools should reflect the vernal pool quality, with 1:1 mitigation for low quality, 1:3 for medium quality, and 1:5 for high quality vernal pools. For Exit 4A, using the USACE scoring system in their 2013 Vernal Pool Characterization Form, there are 2 high quality, 4 medium quality, and 1 low quality vernal pools proposed to be impacted. Therefore, recommended mitigation under the USACE Guidance would be an additional equivalent 4.01 acres.

The USACE guidance also provides ratios for temporary fill, permanent conversion (forested to emergent) and secondary impact edge effects. The guidelines recommend that a portion of the standard amount of mitigation that would be required if a wetland were directly impacted should be added to the total if the project is within the "Impact Zone" of the project. The size of the Impact Zone varies by wetland type, and Impact Zones are broken into two types, depending on proximity to the project, with "High Level Impact Zone" being the closer portion, and requiring more mitigation than the rest of the impact zone. Secondary Impact Edge Effects were only tabulated in areas of new alignment. For existing roadways, the edge effects to wetlands were generally less significant than edge effects from other existing roadways and development. A total of 1.09 acres of secondary impacts would be added to the mitigation total. *[NOTE: the Secondary Impact Edge Effects were presented as 1.26 acres at this Natural Resource Agency Meeting but were subsequently further refined.]*

Stream Impacts

There is a total of 1,061 linear feet of stream impact currently calculated. The stream between I93 and Trolley Car Lane was historically impacted and is currently being impacted by the I93 construction. This stream will be redelineated prior to construction to refine proposed impacts. The only other perennial stream is Shield's Brook, aka Beaver Brook. The Shields Brook culvert crossing will be replaced and brought into compliance with the stream rules, and as such it is assumed to be self-mitigating.

Crossing/ Impact	Flow Regime	Watershed Size (Acres)	Linear Feet of Stream Impact	Total Linear Feet of Impact to be Mitigated Including Banks
1	Perennial	269	511	511
2	Perennial, Shields (aka Beaver) Brook	3,767	185	0
3	Intermittent	148	22	22
4	Intermittent	30	13	13
7	Intermittent	35	109	109
8	Intermittent	19	329	329
11	Ephemeral	Undetermined	77	77
		Total		1,061

In summary, impacts to be mitigated include:

- Direct wetland impacts
- Secondary edge effects
- Vernal pool mitigation as recommended in the USACE Guidance
- Linear Streams impacts
- Other opportunities for mitigation, such as stream crossing improvements within the project, stream crossing improvements within the watershed through the Stream Passage Improvement Program, or land preservation may be part of the mitigation package.

M. Hicks asked if vernal pools were being counted twice in the mitigation calculations. In effect, they are counted twice because the USACE recommends that the multiplier add-on be added to whatever the mitigation for a regular wetland would be. As such, the total amount of mitigation for vernal pools recommended is 1:2 for low quality, 1:4 for medium quality, and 1:6 for high quality wetlands.

L. Sommer asked if priorities were solicited from the town for mitigation at the May 26 public meeting. Input on mitigation was not solicited at that meeting as it was focused on presenting all the Alternatives and establishing Alternative A as the preferred Alternative. L. Sommer asked if input would be solicited at the July public meeting. K. Cota noted that the July meeting would be more focused on impacts from Alternative A and that they are in discussions now with the towns about other options such as culverts that may serve as mitigation for the project. One such culvert is on NH 102 at the northeast end of the project.

M. Urban asked if it seemed they were on the right track for mitigation. L. Sommer asked if there was any feedback at the May 26 meeting from the public. K. Cota responded that generally the feedback was positive. Some concerns were raised about noise on I93 and increased truck traffic on Tsienneto Road and NH 102.Traffic benefits were also discussed. Alternative B has better traffic benefits but greater natural resource impacts. The result of the meeting was that we are moving forward with Alternative A. (M. Kern arrived.)

C. Bean reviewed the schedule for the upcoming Participating Agency reviews of chapters in the SDEIS. K. Cota said that the hope is to have a joint public hearing with USACE and FHWA in late September 2018.

Carol Henderson stated that NHFG is looking for more precise information regarding the location of Alternative A. Normandeau will coordinate with NHFG.

M. Kern asked if there was a summary of mitigation proposed. A pdf of the presentation will be sent to M. Kern. [Sent on June 22]

M. Urban reviewed an email from Amy Lamb regarding the presence of rare plants. He email stated *"Exit 4A: We've discussed this project several times already so there are no new concerns. I'm interested in any rare plant survey updates. At the last meeting, Vicki noted that they would not have time to survey for the new rare species record for Nuttall's Reed grass prior to the submission of the EIA [SDEIS]".* There are no rare plant survey updates at this time.

M. Kern said that culvert replacement may not suffice for mitigation for forested wetlands or vernal pool impacts. K. Cota and S. Large reiterated that culvert improvements would be part of a mitigation package.

Additional information about Exit 4A is available at http://i93exit4a.com/

This project has been previously discussed at the 5/28/1997, 3/17/1999, 6/16/1999, 10/20/1999, 11/17/1999, 8/16/1999, 9/20/2000, 7/18/2001, 8/17/2005, 3/15/2006, 5/16/2007, 1/20/2016, 2/17/2016, 10/19/2016, 4/18/2018 Monthly Natural Resource Agency Coordination Meetings.

Portsmouth, #15731 (A000(909))

Noah Elwood introduced the project and project team. This project involves the functional replacement of the barge wharf at the NH Port Authority Market Street Marine Terminal in Portsmouth to compensate for impacts caused by the new alignment of the Sarah Mildred Long Bridge. Appledore Marine Engineering is the lead design consultant for the project, and McFarland Johnson will be responsible for regulatory permitting.

Photographs showing the evolution of the Port were shown to provide historical background, including the construction of the main wharf in 1964, wharf expansion in the late 1970s, and construction of the barge wharf in 1995. The Port Authority had planned a more extensive expansion in the 1990s, and had secured permits and completed mitigation for anticipated impacts. However, the only component of that expansion that was constructed was the barge wharf. Mark Kern noted that the eel grass that had been planted as part of that mitigation effort did not survive, due in part to a wasting disease that impacted eel grass populations throughout the region.

Until recently, the Sarah Mildred Long Bridge dissected the port between the main wharf and the barge wharf. The new bridge and railroad alignment now pass through the western end of the barge wharf, which required partial demolition of the wharf, blocked access to the boat ramp, and substantially reduced the berthing length along the wharf. For these reasons, and due to the close proximity of the new bridge structure, the barge wharf can no longer be used to moor barges. This loss in operational capacity, as well as the loss of laydown area at the barge wharf, limits operations at the Terminal.

A number of factors currently limit operations at the main wharf and need to be addressed for the main wharf to replace the lost operational capacity of the barge wharf. In general, ships that utilize the Port now are bigger than they were in the 1970s, and expanding the main wharf is necessary to better accommodate the class of vessels that rely on the Port. In addition, vessels have a lower freeboard, and the fender system along the wharf needs to be modified to account for this. This project will consist of the following components:

- Construction of a new dock structure approximately 60 x 120 feet to expand the south end of the existing wharf.

- Construction of a new dock structure approximately 145 x 80 feet to expand the north end of the existing wharf.
- Shore side improvements, including soil and rock removal, grading, drainage, and paving within a 70,000 sq ft area.
- Modification of the fender system along the length of the expanded wharf.
- Dredging approximately 16,000 CY of soil and rock over an area of 55,000 square feet adjacent to the north end of the extended wharf, to a depth of -36' MLLW.

Mike Hicks asked if a disposal site for the dredge spoils has been identified. N. Elwood responded that the disposal site is still unknown. The preferred option is offshore disposal; however, this decision cannot be made until the material to be dredged is tested to assess its structural and chemical composition. This testing is currently underway. There are a number of potential offshore sites, including a site near Kennebunk, Maine and a site near Boston. The Isle of Shoals is currently under consideration as a future offshore disposal site but has not yet been authorized for use. Offshore sites are locations in the open ocean that have been authorized for the disposal of material from regional dredge projects. Other disposal options include beneficial use and landfill. Carol Henderson noted that beach replenishment may be a good option since a number of coastal communities would likely be interested in receiving the material. N. Elwood agreed that this could be an option, but it would depend on the composition of the dredged material.

The project schedule was summarized. The project was initiated in May of this year. Field investigations, including sediment sampling and testing, will be carried out through this summer. Preliminary design is expected to be completed by early 2019. Final design and permitting will take place in 2019.

Christine Perron provided an overview of environmental considerations. Information is currently being compiled to support Section 7 consultation for Atlantic and shortnose sturgeon. Additional federally protected species may need to be considered depending on the selected disposal site for dredge material. A Biological Assessment and Essential Fish Habitat Assessment will be completed in August. An in-water work window of November 15 to March 15 is anticipated, although it is too early to know if any flexibility in this time of year restriction will need to be discussed. The NH Fish & Game Marine Division will be providing any available information on the occurrence of marine mammals and other species of concern in the project area. The NEPA process will be carried out through this year, and once FWHA's NEPA approval is received, the preparation of permit applications will begin. Anticipated permits are the Army Corps Individual Permit, Water Quality Certificate, Coastal Zone Consistency Finding, NHDES Major Impact Dredge & Fill Permit, Shoreland Permit, and Alteration of Terrain Permit. Mitigation will be discussed at future meetings once more information is available on impact areas. A number of options for mitigation will be explored, including in lieu fee, continued restoration of Cutt's Cove that was started as part of the Sarah Mildred Long project, and previously constructed mitigation completed by the PDA for the project that was not built.

Lori Sommer noted that this area may be exempt from Shoreland protection. Subsequent to the meeting, C. Perron checked the NHDES website and confirmed that the NH Port Authority parcel is not located within a Shoreland urbanized exemption area. The need for a Shoreland Permit is anticipated for a small area of shoreside improvements located outside the Tidal Buffer Zone.

This project has not been previously discussed at the Monthly Natural Resource Agency Coordination Meeting.

Newington-Dover, #11238Q (NHS-027-1(037))
Marc Laurin provided an overview of the permit history for the overall Newington-Dover, 11238 project. NH Wetland Permit 2006-02007 was issued in 2009, was given a time extension and expires on June 17, 2019. The Corps Permit (NAE-2004-4545) issued in March 2010, was given a time extension that expires on June 30, 2021.

Due to a number of factors beyond the control of the Contractor, the permitted impacts will not be completed by the NH Wetland Permit expiration date, though they will be completed prior the Corps' permit expiration date. Keith Cota provided details on the construction efforts that would remain. These include pipe jacking, allowing for soil settlement, and constructing the pipe outlet and stone protection in Pomeroy Cove. The wetland impacts would be to the same footprint as currently permitted. DOT is proposing to apply for a new NH Wetland Permit for the impacts that would occur after June 2019. The impacts were reviewed on the existing construction plans. M. Laurin noted that the Contract Q wetland impacts decreased from those permitted by about 0.5 acres and the overall Newington-Dover wetland impacts have decreased from 20.4 acres to 19.1 acres.

Lori Sommer brought up the Railway Brook mitigation site and deficiencies noted in the latest (2017) monitoring report. Remedial measures need to be addressed and a field review by the agencies is requested. K. Cota agreed that DOT will have a look into how remediation of Railway Brook could be addressed. It could be through the 11238Q Contract, if agreed to by the contractor, or through the development of a new Construction Contract. Matt Urban stated that DOT would proceed with addressing these concerns under the current permit conditions and that the issuance of the new permit be separated from this issue. L. Sommer agreed, but stated that the new permit would need to refer to any remediation effort that is determined for the mitigation site.

Carol Henderson asked what the issues were with Railway Brook. M. Laurin responded that the proposed floodplain wetlands did not develop, the hydrology does not seem to be suitable to establish these fringing wetlands as anticipated. Though, the relocated stream is functioning as designed. A copy of the latest mitigation report will be forwarded to Carol. A field review of this site, as well as a couple Salem-Manchester mitigation sites, will be scheduled this summer with the Resource Agencies.

Mark Kern asked if the Corps permit is all set. Mike Hicks responded that since the footprint remains the same, the existing permit is still valid. DOT will follow up with a new NH Wetland permit that will encompass all the impacts remaining after the expiration date of the current permit.

This project has been previously discussed at the 12/20/2017, 8/20/2014, 6/18/2014, 3/19/2014, 3/21/2012, 8/17/2011, 8/19/2009, 10/15/2008, 3/21/2007, 2/21/2006, 12/14/2005, 11/2/2005, 8/17/2005, 7/20/2005 Monthly Natural Resource Agency Coordination Meetings.